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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/910,784

07/24/2001

Motohiro Yamashita

P21288

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7590

03/11/2004

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EXAMINER

WILLIAMS, JOSEPH L

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,784

Applicant(s)

YAMASHITA, MOTOHIRO

Examiner

Joseph L. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-12, and 14-21 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 4 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/5/03 & 7/30/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The abstract of the disclosure is objected to because the numbers labeling the parts are not in parenthesis. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-12, and 14-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Martelli (US 5,508,586), of record.

Regarding claim 1, Martelli ('586) discloses a vacuum container having a getter, a getter support including a control plate member (15), a support leg (16) and a holder (11) arranged at a spreading direction of the getter material.

Regarding the limitation of the holder being configured to support the getter material in a manner such that an initial spreading direction of the getter material when evaporated is away from a surface upon which the getter material is to be deposited and the control plate member is arranged in the initial spreading direction of the getter

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material and configured to control the spreading of the getter material in order to direct the getter material back toward the surface upon which the getter material is to be deposited, the limitation appears to be an intended use limitation and thus is not afforded patentable weight. Furthermore, the intended use limitation does not appear to distinguish the apparatus claim over the apparatus of the prior art. (see MPEP 2111)

Regarding claim 2, Martelli ('586) discloses the control plate member (15) has a hollow space (fig 2), the holder holds the getter with its spreading side located at an opening of the hollow space of the control plate member and the control plate member is fixedly anchored by the support leg in the vacuum container (fig 4).

Regarding claim 3, Martelli ('586) discloses (fig 2a) the control plate arranged for permitting the getter material to reflect at least two times.

Regarding claim 5, Martelli ('586) discloses (fig 2) the control plate has an opening of the hollow space arranged to have a polygonal shape in cross section.

Regarding claim 6, Martelli ('586) discloses the getter support is made of at least a metallic material.

Regarding claim 7, Martelli ('586) discloses having a plurality of getter supports (18, 11).

Regarding claim 8, Martelli ('586) discloses the support leg that holds a plurality of control plate members.

Regarding claim 9, Martelli ('586) discloses a display device having a getter, a getter support including a control plate member (15), a support leg (16) and a holder (11) arranged at a spreading direction of the getter material.

Regarding the limitation of the holder being configured to support the getter material in a manner such that an initial spreading direction of the getter material when evaporated is away from a surface upon which the getter material is to be deposited and the control plate member is arranged in the initial spreading direction of the getter material and configured to control the spreading of the getter material in order to direct the getter material back toward the surface upon which the getter material is to be deposited, the limitation appears to be an intended use limitation and thus is not afforded patentable weight. Furthermore, the intended use limitation does not appear to distinguish the apparatus claim over the apparatus of the prior art. (see MPEP 2111)

Regarding claim 10, Martelli ('586) discloses an electron emitter substrate (fig 3, column 1, lines 45-46) having at least a pattern of wiring layer, electron emitter elements, insulating layers, and lead electrodes provided on a glass substrate, a light emitter substrate having at least anodes and fluorescent layers and a spacer between

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the substrates.

Regarding claim 11, Martelli ('586) discloses (fig 2) the control plate member has a hollow space, the holder holds the getter with its spreading side located at an opening of the hollow space of the control plate member and the control plate member is fixedly anchored by the support leg in the vacuum container.

Regarding claim 12, Martelli ('586) discloses the control plate arranged for permitting the getter material to reflect at least two times.

Regarding claim 14, Martelli ('586) discloses the control plate has an opening of the hollow space arranged to have a polygonal shape in cross section.

Regarding claim 15, Martelli ('586) discloses the support is provided between the substrates and the opening of the control plate member (18) is at least not smaller than the size of the getter (19).

Regarding claim 16, Martelli ('586) discloses the getter support is made of at least a metallic material.

Regarding claim 17, Martelli ('586) discloses having a plurality of getter supports.

Regarding claim 18, Martelli ('586) discloses the support leg holds a plurality of control plate members.

Regarding claim 19, Martelli ('586) discloses the support is located on the outer side of the display area.

Regarding claim 20, Martelli ('586) discloses the getter supports are provided opposite to each other via a display area.

Regarding claim 21, Martelli ('586) discloses the exposed getter faces the electron emitter elements and the support is provided between the getter and the electron emitter elements.

Allowable Subject Matter

3. Claims 4 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Williams whose telephone number is (571) 272-2465. The examiner can normally be reached on M-F (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph Williams

**Examiner
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